

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 20, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - ZON-19647 - APPLICANT: PLATINUM REALTY AND DEVELOPMENT - OWNER: CRAIG 95 LLC C/O ABRAR MANAGEMENT**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 6, 2007 CITY COUNCIL MEETING AT THE REQUEST COUNCILMAN BROWN.***

**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-19643) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

**Public Works**

3. Dedicate additional rights-of-way necessary for a right turn lane on the southwest corner of Craig Road and U.S. 95 prior to the issuance of any permits, unless specifically noted as not required in an approved Traffic Impact Analysis.
4. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
5. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Final Map for this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits or the recordation of a Final Map, whichever may occur first, if allowed by the City Engineer. We note that this site is within a FEMA "AE" Flood Zone.

## \*\* STAFF REPORT \*\*

### PROJECT DESCRIPTION

This is a request for a Rezoning from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 3.53 acres on the south side of Craig Road, west of U.S. 95

The proposed C-1 (Limited Commercial) zoning of the site will be consistent with the existing zoning of surrounding parcels to the north, south and west, and will allow a range of permissible uses compatible with the surrounding development in the area.

### BACKGROUND INFORMATION

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i>	
11/06/96	The City Council accepted a request to Withdraw without prejudice an application for General Plan Amendment (GPA-42-96) to GC (General Commercial) and a Rezoning (Z-94-96) to C-2 (General Commercial) on the subject site as part of a larger request.
01/12/98	The City Council voted to Withdraw without prejudice a Rezoning (Z-0115-97) from U (Undeveloped) to PD (Planned Development) for a proposed commercial development on the subject site. The Planning Commission recommended denial of the Rezoning request.
12/20/01	The Planning Commission voted to Table a Rezoning from U (Undeveloped) to C-1 (Service Commercial) (Z-0074-01) and a Site Development Plan Review [Z-0074-01(1)] for a proposed office/retail complex on the subject site. The staff recommended approval of the requests on 10/18/01.
01/21/04	The City Council approved a Rezoning (ZON-3197) to C-1 (Service Commercial) for the subject site. A condition of approval specified a two year time limit, which expired on 01/21/06. The staff recommended approval on 11/20/03 and the Planning Commission recommended approval on 12/18/03.
11/17/94	The City Council approved a Special Use Permit to allow a proposed 40-foot tall, 14-foot by 48-foot Off-Premise (Billboard) Sign. Staff and the Planning Commission recommended approval.
04/12/07	The Planning Commission recommended approval of companion item SDR-19643 concurrently with this application.  The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #30/ar).
<i><b>Pre-Application Meeting</b></i>	
12/06/06	Staff explained the requirements for a zone change application
<i><b>Neighborhood Meeting</b></i>	
	A neighborhood meeting is not required for this application.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	3.53 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped with existing billboard	SC (Service Commercial)	U (Undeveloped) SC (Service Commercial) General Plan Designation
North	Undeveloped	SC (Service Commercial)	SC (Service Commercial) General Plan Designation
South	Retail/restaurants	SC (Service Commercial)	SC (Service Commercial) General Plan Designation
East	U.S. 95	U.S. 95	U.S. 95
West	Retail/restaurants	SC (Service Commercial)	SC (Service Commercial) General Plan Designation

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

The proposed C-1 (Limited Commercial) zoning of the site will be consistent with the existing zoning of surrounding parcels to the north, south and west, and will allow a range of permissible uses compatible with the surrounding development in the area. The Department of Public Works has indicated that this site is within a FEMA "AE" Flood Zone; therefore development of this parcel may be significantly impacted by the flood zone

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The proposed C-1 (Limited Commercial) zoning conforms to the SC (Service Commercial) General Plan Designation.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The uses allowed by the C-1 (Limited Commercial) zoning will be compatible with the surrounding area, which are within the C-1 (Limited Commercial) zoning district.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The proposed C-1 (Limited Commercial) zone will allow for appropriate commercial uses on the subject site and will provide commercial businesses to serve the immediate area.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The only access to the subject site will be via a shared access drive within the adjacent commercial center to Craig Road, a 100-foot primary arterial. The applicant will be required to copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

5

## **ASSEMBLY DISTRICT**

37

## **SENATE DISTRICT**

4

## **NOTICES MAILED**

196 by Planning Department

**APPROVALS**                      0

**PROTESTS**                      0